Town of Weare

ZONING BOARD OF ADJUSTMENT 15 Flanders Memorial Road PO Box 190 Weare, NH 03281 Phone: 603.529.2250

Fax: 603.529.75273 MEETING MINUTES Tuesday, June 5, 2012 **FINAL COPY**

PRESENT: Jack Dearborn, Chairman; Forrest Esenwine, Vice Chairman, Malcolm Wright, Member; June

Purington, Member; Stu Richmond, Member; Chip Meany, Land Use Coordinator; Sheila

Savaria, Recording Secretary

GUESTS: Deborah Raymond, Claude Raymond, Murray Wigsten, Ginger Esenwine, Eric Myers, Paul

Hughes, Annie Aylesworth, Michelle Margetts

I. INTRODUCTION:

Chairman Jack Dearborn called this meeting to order at 7:30 pm, explained how the Board does business, and asked the members of the Board to introduce themselves.

II. PUBLIC HEARINGS:

Case #0512 Claude & Deborah Raymond

Variance from Article 24.10

Construction of a residence in a Commercial Zone at

405 North Stark Highway, Lot 210-14

Living space to be constructed above a barn

June Purington moved to accept the application for case #0512, Forrest Esenwine seconded, all voted in favor.

Deborah Raymond presented the case and read the 5 points on her application to the Board.

- 1. Granting this variance will not be contrary to the public interest because they will be preserving natural and wildlife resources.
- 2. The variance will not be contrary to the spirit of the ordinance because it will add more value to surrounding properties as it will remain a 50+ acre parcel with no development of commercial entities.
- 3. Substantial justice will be done by granting this variance because they feel they have the right to farm on the property they purchased for that reason and it is ideally suited for maintaining and sheltering agricultural animals.
- 4. The values of surrounding properties will not be diminished because they are keeping 50+ acres of land with open fields, ponds, and timber intact. There will be no increase in traffic, zoning, noise, pollution or population.
- 5. The property was formerly a golf course and will now be preserved as a natural resource. They purchased the land with full intent to have a farm and live and care for the animals on one lot of land. The property will enhance other properties in the area as there will be no commercial activities, no increased traffic, noise, or pollution. The property blends in with other properties and will be maintained as a natural resource.

Forrest Esenwine asked how they intend to keep it from being developed commercially with it being in a commercial zone. Ms. Raymond said they want to retire there and live there the rest of their lives and have no intentions of letting it be developed on.

Approving Abutters: Murray Wigsten, 32 Page Hill Road. Mr. Wigsten has joint frontage and is very

Zoning Board of Adjustment June 5, 2012 Meeting Minutes Page 2 **Final Copy**

interested in giving this variance. The Board reviewed the boundary conservation easement of Murray and Carol Wigsten Revocable Family Trust, dated 1/22/07.

Michelle Margetts, 86 Reservoir Road, asked how it affects her property and if she should worry about anything. Chairman Dearborn showed her on the map what is going on and that the Raymond's want to live on their property and the rest of the land is for the animals. Ms. Margetts has no problems with it.

<u>Disapproving Abutters</u>: Paul Hughes, owner of Alpha Self Storage, 407 South Stark Hwy. Mr. Hughes business is mostly surrounded by the 50 acre parcel owned by the Raymond's. He is perturbed that he hasn't been made aware of the intentions of building a residence in a commercial zone. Chairman Dearborn explained that they are only here to ask to build a residence above the existing barn. Hughes noted that residential homes are a non-permitted use in this zone. June Purington responded that is why the Raymond's were here. Mr. Hughes then said there was a boundary dispute because the plan approved and signed in 2007 was never recorded by the Registry of Deeds. Chairman Dearborn compared the plans provided by Mr. Hughes, and the one provided by Chip Meany and determined it had nothing to do with the property in question because we are only talking about that building that already exists. Mr. Hughes questioned the size on the lot required for a residence, and Chairman Dearborn said it wasn't an issue because they have 50 acres and only 2 are required. Mr. Hughes said he never saw a building permit and he was concerned about the spreading of waste products from animals to his well. Chairman Dearborn said the building already exists and the property is approved for a farm, they are only asking for a residence within it.

<u>Public at Large</u>: Eric Myers said he wants to do commercial work on Mr. Hughes property, and the Raymond's want to restrict this activity on their abutting land. Mr. Myers has no issues with the Raymond's putting a residence on their property, but he has a problem with them having issues about restrictions on Mr. Hughes property. Chairman Dearborn closed the discussion because it was irrelevant.

Chairman Dearborn closed the public meeting at 8:25 pm.

June Purington moved to accept point 1; Stu Richmond seconded, all voted in favor.

June Purington moved to accept point 2; Stu Richmond seconded, all voted in favor.

June Purington moved to accept point 3; Stu Richmond seconded, Jack Dearborn, Forrest Esenwine, Stu Richmond, and June Purington were in favor, Malcolm Wright was opposed.

June Purington moved to accept point 4; Stu Richmond seconded, Jack Dearborn, Forrest Esenwine, Stu Richmond, and June Purington were in favor, Malcolm Wright was opposed.

June Purington moved to accept point 5; Stu Richmond seconded, Jack Dearborn, Forrest Esenwine, Stu Richmond, and June Purington were in favor, Malcolm Wright was opposed.

The variance was thereby granted.

Case #0612 Frank Piazza

Variance from Article 17.1.1 Winter Road, Map 105-40

Permission to build on a private road

Realtor Annie Aylesworth, was at the meeting to present, but she did not have the delegation of authority and Chairman Dearborn would rather not continue until they have that. The Board will continue this case until the July 10th meeting.

III. OTHER BUSINESS:

Variance Extension Article 17.1.1, #4002, Carl Landon Map 103-18-33 & 35 Russell Drive

Permission to build on a private road

Zoning Board of Adjustment June 5, 2012 Meeting Minutes Page 3 **Final Copy**

Forrest Esenwine moved to renew the variance for one year for Carl Landon; June Purington seconded, all voted in favor.

Variance Extension Article 14.2, #0210, James Donsion

Map 405-2, 222 Quaker Street

Lot Size Reduction

Forrest Esenwine moved that the variance for James Donison and Northwest Engineering be extended for one year; June Purington seconded, all voted in favor.

<u>Minutes</u>: Forrest Esenwine moved to approve the first draft of the April 4, 2012 minutes as corrected; June Purington seconded, all voted in favor.

IV. ADJOURNMENT: As there was no other business to come before the board, Jack Dearborn moved to adjourn at 8:45 pm; June Purington seconded, all voted in favor.

Respectfully Submitted,

Sheila Savaria Recording Secretary